THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.2174 of 2000

17.11.2005

Between:

1. A.P.State Road Transport Corporation, Hyderabad

and another

… PETITIONERS

AND

1. State Transport Appellate Tribunal, A.P., Hyderabad
and others

… RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.2174 of 2000

ORDER:

The third respondent herein filed an application before the second respondent seeking pakka stage carriage permit on the town service route from Pithapuram State Bank to Konapapapeta via Madhavapuram, Isukapalli, Upparagudem, Nagulapalli, Mulapeta and Konapapapeta. By proceedings dated 11.3.1997, the second respondent rejected the application on the ground that the route applied for overlaps a distance of 11 KMs on the notified route vide G.O.Ms.No.612/78 and 19 KMs vide G.O.Ms.No.197/76, under which the allowable overlapping distance is only 8 KMs. Aggrieved by the same, the third respondent preferred an appeal before

the first respondent. By impugned order dated 12.3.1999 made in A.P.592/97, the first respondent directed the second respondent to issue stage carriage permit on the modified town service route from Venkateswara Oil Mill, Pithapuram to Nagulapalli Bridge within four months from that date.

In support of the writ petition, the learned Standing Counsel for A.P.State Road Transport Corporation (APSRTC), the petitioner herein, placed reliance on the judgment of this Court in W.P.No.5115 of 1999 dated 02.1.2003 in which it was laid down that the State Transport Appellate Tribunal (STAT), the first respondent herein, has no power to direct the grant of stage carriage permit in respect of the route, which was not applied for. Further, it is brought to the notice of this Court that the route from Venkateswara Oil Mill, Pithapuram to Nagulapalli Bridge is town service route, which is not specifically sanctioned by the Transport Commissioner in accordance with Rule 258(2) of A.P. Motor Vehicles Rules, 1989. In support of the same, reliance is also placed on a judgment of this Court in W.P.No.15257 of 1994 etc., dated 26.12.2002.

After perusing the two judgments referred to herein above as well as the impugned order passed by STAT, this Court is of considered view that a grave error apparent on the face of record has crept into the order of the STAT and the same is unsustainable.

The writ petition is, therefore, allowed. There shall be no order as to costs.

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(**V.V.S. RAO**,**J**)

November 17, 2005.

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